

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2018- - C

IN RE: Petition of the South Carolina Office of Regulatory Staff for the Commission to Order a Rule to Show Cause as to Why the Certificates of Public Convenience and Necessity for Certain Providers of the Telecommunications Services Should Not Be Revoked)
PETITION OF THE SOUTH CAROLINA OFFICE OF REGULATORY STAFF FOR A RULE TO SHOW CAUSE)

The South Carolina Office of Regulatory Staff ("ORS"), by filing this petition, would respectfully show and request of the Public Service Commission of South Carolina ("Commission") that:

1. The Commission is a state agency constituted pursuant to the laws of the State of South Carolina with its business offices located in Columbia, South Carolina. Further, the Commission is responsible for the regulation of telephone utilities operating for compensation as set forth in S.C. Code Ann. § 58-9-10 et seq. (Supp. 2014).
2. ORS is charged with the duty to protect the public interest pursuant to S.C. Code Ann. § 58-4-10, et seq. (Supp. 2014).
3. The Telecommunications Companies ("Companies") listed in Exhibit A are certificated "telephone utilities" as defined in S.C. Code Ann. § 58-9-10(6) (1976) in that they are persons or corporations, their lessees, assignees, trustees, receivers or other successors in interest owning or operating in this State equipment or facilities for the transmission of intelligence by telephone for hire, including all things incident thereto and related to the operation of telephones. Exhibit A also includes wireless carriers

which received ETC designation in South Carolina and agreed through a Stipulation¹ to file certain reports with the Commission and/or ORS.

4. The Companies listed in Exhibit A are subject to the jurisdiction of this Commission pursuant to S.C. Code Ann. § 58-9-710 et seq. (Supp. 2014). Further, they have submitted themselves to the jurisdiction of the Commission by holding a Certificate of Public Convenience and Necessity and/or having requested and received Eligible Telecommunications Designation in the State of South Carolina pursuant to federal and state requirements.

5. The Companies listed in Column A on Exhibit A upon receiving their Certificates of Public Convenience and Necessity or designation as an Eligible Telecommunications Carriers (ETC), were found to possess the technical, financial, and managerial resources sufficient to provide the services requested. S.C. Code Ann. § 58-9-280(B)(1) (Supp. 2014) and CFR Section 54.201 (h).

6. Pursuant to S.C. Code Ann. §§ 58-3-100, 58-3-540, 58-4-60, and 58-9-370 (Supp. 2014), the public utilities subject to the Commission's jurisdiction are assessed by the Department of Revenue based on amounts that are certified by the Commission, the State Regulation of Public Utilities Review Committee, and ORS to be assessed.

7. The Companies listed in Exhibit A with an "X" listed in Column B have failed to submit the requisite Gross Receipts Reports. The companies are required to submit their Gross Receipts Report to the Office of Regulatory Staff on August 31st annually.

8. Gross Receipts Fees are billed to the carriers by the Department of Revenue on or before July 1st each year. The Gross Receipts Fees are based on the Gross Receipts Reports filed on August 31 of the prior year. Payment of these fees are due on July 15th. Periodic reports are provided to the Office of Regulatory Staff by the Department of Revenue indicating which carriers have not paid.

9. The companies listed in Exhibit A with an "X" listed in Column C have authority to operate in the State of South Carolina and have not paid Gross Receipts Fees assessed pursuant to S.C. Code Ann. §§ 58-3-100, 58-3-540, and 58-4-60. (Supp. 2014).

10. ORS has the responsibility to ensure that telephone utilities are filing certain reports. "Subject to the approval of the Commission, the Office of Regulatory Staff may require any telephone utility to file annual reports in such form and of such content as the Office of Regulatory Staff may require and special reports concerning any matter about which the Office of Regulatory Staff is authorized to inquire or keep itself informed or which it is required to enforce." S.C. Code Ann. § 58-9-370(A) (Supp. 2014).

11. The Companies listed in Exhibit A with an "X" listed in Column D have failed to submit the requisite 2016 Annual Telecommunications Report that was due on April 1, 2017.

12. The Universal Service Fund ("USF") is administered by the ORS under guidelines adopted by the Commission. S.C. Code Ann. § 58-9-280(E) (Supp. 2014).

13. The Commission USF guidelines originally approved in Order No. 2001-996 and modified by Order 2016-756, requires each carrier to file on an annual basis the information necessary to allow ORS to calculate the carrier's contribution. This annual filing is referred to as the South Carolina Universal Service Fund Contribution Worksheet ("USF Worksheet").

14. The Companies listed in Exhibit A with an "X" listed in Column E have failed to submit the requisite USF Worksheet which was due on August 1, 2017.


15. The information for the business entities listed in Exhibit A accurately reflects the information on file with the South Carolina Secretary of State. See Exhibit B, Affidavit of James M. McDaniel.

16. "Each telephone utility shall obey and comply with each and every requirement of every order, decision, direction, rule or regulation made or prescribed by the Commission and every direction, rule or regulation made or prescribed by the Office of Regulatory Staff in the performance ... or in relation to any other matter in any way relating to or affecting the business of such telephone utility and shall do everything necessary or proper in order to secure compliance with and observance of every such order, decision, direction, rule or regulation by all of its officers, agents and employees." S.C. Code Ann. § 58-9-390 (Supp. 2014).

17. Pursuant to S.C. Code Ann. § 58-9-1120 (Supp. 2014), "the Commission may ... conduct such other hearings as may be required in the administration of the powers and duties conferred by Articles 1 through 13 of this chapter and by other laws relating to telephone utilities."

WHEREFORE, the ORS staff prays that the Honorable Commission:

1. Enter an order establishing a Rule to Show Cause instituting a formal proceeding against the persons and business entities listed in Exhibit A to this Petition.
2. For the persons and business entities listed in Exhibit A pursuant to 10 S.C. Code Regs. 103-830 (Supp. 2014), cause a copy of this petition to be served upon such named respondents or other proper person or entity.
3. Require the parties to submit an Answer to this Petition within the deadlines prescribed by the Commission's rules and regulations.
4. Schedule and conduct a formal administrative hearing to address disputed issues of fact and law regarding the Certificate issued pursuant to S.C. Code Ann. § 58-9-820 (Supp. 2014) or the Eligible Telecommunications Carriers designation.
5. Find that the Companies listed in Exhibit A have not complied with orders, decisions, directions, rules and regulations made or prescribed by the Commission.
6. Enter a final order canceling the Certificates or suspending the ETC designation of the carriers listed in Exhibit A.
7. Take other appropriate action which the Commission may deem necessary.



C. Lessie Hammonds, Esquire
South Carolina Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, South Carolina 29201
Phone: (803) 737-0803

April 26, 2018

Telephone Utilities that have not filed Gross Receipts Report, Annual Report, SC USF Contribution Worksheet, and/or Paid Gross Receipts Fees

(An X indicates the report or payment was not received by the Office of Regulatory Staff or DOR)

Company Col. A	Gross Receipts Report Col. B	Gross Receipts Payment Col. C	Annual Report Col. D	USF Work sheet Col. E	Certificate Type Col. F	Address Col. G	Docket # Col. H	Order # Col. I	Entity Status Col. J	Agent Col. K
Access Point, Inc.	X			X	CLEC & IXC	1100 Crescent Green, Ste. 109 Cary, NC 27518-8105	1996- 218-C & 1998- 58-C	1996- 791 & 1998- 488	Good Standing	RICHARD BROWN 7600 PELHAM ROAD GREENVILLE, S. Carolina 29605
Blue Jay Wireless, LLC			X		Wireless ETC	4240 International Pkwy, Ste 140 Carrollton, TX 75007	2012- 390-C	2013- 167	Good Standing	COGENCY GLOBAL INC. 2 OFFICE PARK COURT SUITE 103 COLUMBIA, South Carolina 29223
Business Discount Plan, Inc.	X		X	X	IXC	1 World Trade Center, Ste 800 Long Beach, CA 90831	1996- 257-C	1997- 127	Good Standing	NATIONAL REGISTERED AGENTS, INC 2 OFFICE PARK COURT SUITE 103 COLUMBIA, South Carolina 29223

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ComTech21, LLC			X		CLEC & IXC	One Barnes Park South Wallingford, CT 06492	2000- 306-C & 2004- 054-C	2001— 226 & 2004- 312	Good Standing	INCorp SERVICES, INC. 317 RUTH VISTA ROAD LEXINGTON, South Carolina 29073
Encompass Communications, LLC				X	IXC	119 W Tyler St, Ste 286 Longview, TX 75601	2000- 598- C	2001- 1096	Dissolved	C T CORPORATION SYSTEM 2 OFFICE PARK CT STE 103 COLUMBIA, South Carolina 29223
Ethel Bryant dba Mr. Telephone	X				Payphone Service Provider	1150 Glover St Orangeburg, SC 29115	1985- 150-C	2001- 1012	Dissolved	COLA BRYANT 120 CHURCH ST ORANGEBURG, South Carolina

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Intellicall Operator Services Inc.		X			IXC	5000 Sawgrass Village Circle Ste 2 Ponte Vedra Beach, FL 32082	1992- 618- C	1993- 250	Good Standing	CORPORATION SERVICE COMPANY 1703 LAUREL STREET COLUMBIA, South Carolina 29201
Mobilitie Management, LLC	X				CLEC	2220 University Dr. Newport Beach, CA 92660	2016- 176-C	2016- 601	Good Standing	NATIONAL REGISTERED AGENTS, INC. 2 OFFICE PARK COURT SUITE 103 COLUMBIA, South Carolina 29223

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Payphone Partners, Inc.	X				Payphone Service Provider	2520 Sardis Rd N, Ste 100 Charlotte, NC 28227	1985- 150-C	1999- 586	Good Standing	TONY OXENDINE 2640 GOLDENEYE RIDGE SUMTER, South Carolina 29150
PNG Telecommunications, Inc.	X				CLEC & IXC	8805 Governor's Hill Dr. Ste 250 Cincinnati, OH 45249	2006- 303-C & 1996- 145-C	2007- 042 & 1996- 675	Good Standing	CT CORPORATION SYSTEM 2 OFFICE PARK CT STE 103 COLUMBIA, South Carolina 29223
Roman LD Inc.		X			IXC	2300 Valley View Ln, Ste 730 Irving, TX 75062	2011- 432-C	2012- 201	Forfeited	NATIONAL REGISTERED AGENTS, INC. 2 OFFICE PARK COURT SUITE 103 COLUMBIA, South Carolina 29223

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SBC Long Distance dba AT&T LD		X			IXC	1010 N St. Mary's St, Rm 13-21 San Antonio, TX 78215-2109	1997- 313-C	1998-45	Good Standing	C T CORPORATION SYSTEM 2 OFFICE PARK COURT SUITE 103 COLUMBIA, South Carolina 29223
Stratus Networks, Inc.	X				IXC	4700 N Prospect Rd Peoria Heights, IL 61616	2015- 287-C	2015- 818	Good Standing	COGENCY GLOBAL INC 2 OFFICE PARK COURT, SUITE 103 COLUMBIA, South Carolina 29223
TAG Mobile, LLC		X			Wireless ETC	1130 Capital Pkwy Carrolton, TX 75006	2012- 336-C	2013-1	Good Standing	CORPORATION SERVICE COMPANY 703 LAUREL ST COLUMBIA, South Carolina 29201

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Vitcom LLC	X				CLEC & IXC	1425 37th St Ste 210 Brooklyn, NY 11218	2015- 238-C	2015- 766	Good Standing	INCorp SERVICES, INC. 317 RUTH VISTA RD LEXINGTON, South Carolina 29073
Voicecom Telecommunications, LLC		X			IXC	5900 Windward Parkway Suite 500 Alpharetta, GA 30005	2005-85- C	2005- 519	Good Standing	CORPORATION SERVICE COMPANY 1703 LAUREL STREET COLUMBIA, South Carolina 29201
XO Communications Services LLC		X			CLEC & IXC	13865 Sunrise Valley Dr. Herndon, VA 20171	2003- 224-C & 1999- 374-C	2003- 581 & 2000- 445	Good Standing	CT Corporation System 2 Office Park Court, Suite 103 COLUMBIA, South Carolina 29223

EXHIBIT B

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. _____

April 26, 2018

IN RE: Petition of the Office of Regulatory)	
Staff for Commission to Order a)	
Rule to Show Cause as to Why)	
The Certificates of)	AFFIDAVIT OF JAMES M. MCDANIEL
Public Convenience and)	
Necessity for Certain Providers of)	
Telecommunications Services)	
Should Not be Revoked)	

The Affiant, after having been first duly sworn, deposes and states as follows:

- 1) My name is James M. McDaniel and I am employed by the Office of Regulatory Staff ("ORS") as a Program Manager.
- 2) My office is located at 1401 Main Street, Columbia, South Carolina, 29201
- 3) I and/or personnel under my direction researched the South Carolina Secretary of State's website in order to determine the corporate status of the business entities listed in Exhibit A of this petition.
- 4) I attest that, to the best of my knowledge, the corporate statuses of the business entities listed in Exhibit A are accurate.

EXHIBIT B

AND FURTHER THE AFFIANT SAYETH NOT.



JAMES M. MCDANIEL
Program Manager
Telecommunications Area
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, South Carolina 29201

Sworn and subscribed before me
this 26th day of April, 2018



Notary Public for South Carolina

My Commission Expires: 10/16/23

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2018- -C

IN RE: Petition of the South Carolina Office of) **CERTIFICATE OF SERVICE**
Regulatory Staff for the Commission to)
Order a Rule to Show Cause as to Why the)
Certificates of Public Convenience and)
Necessity for Certain Providers of the)
Telecommunications Services Should Not)
Be Revoked)

This is to certify that I, Vicki L. Watts, have this date served one (1) copy of the PETITION OF THE SOUTH CAROLINA OFFICE OF REGULATORY STAFF FOR A RULE TO SHOW CAUSE, EHIBIT 'A" AND EXHIBIT "B" in the above-referenced matter to the person(s) named below by causing said copy to be deposited in the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown below:

Access Point, Inc. 1100 Crescent Green Suite 109 Cary, NC 27518-8105	Mobilitie Management LLC 2220 University Drive Newport Beach, CA 92660
Blue Jay Wireless, LLC 4240 International Pkwy Suite 140 Carrollton, Texas 75007	Payphone Partners, Inc. 2520 Sardis Road, N. Suite 100 Charlotte, NC 28227
Business Discount Plan, Inc. 1 World Trade Center Long Beach, CA 90831	PNG Telecommunications, Inc. 8805 Governor's Hill Drive Suite 250 Cincinnati, OH 45249

ComTech21, LLC
One Barnes Park South
Wallingford, CT 06492

Encompass Communications, LLC
119 W. Tyler Street
Suite 286
Longview, Texas 75601

Ethel Bryant d/b/a Mr. Telephone
1150 Glover Street
Orangeburg, SC 29115

Intellicall Operator Services, Inc.
5000 Sawgrass Village Circle
Suite 2
Ponte Vedra Beach, Florida 32082

Voicecom Telecommunications, LLC
5900 Windward Parkway
Suite 500
Alpharetta, Georgia 30005

XO Communications, Services, LLC
13865 Sunrise Valley Drive
Herndon, VA 20171

Roman LD, Inc.
2300 Valley View Lane
Suite 730
Irving, Texas 75062

SBC Long Distance
d/b/a/ AT&T LD
1010 N. St. Mary's Street
Room 13-21
San Antonio, Texas 78215-2109

Stratus Networks, Inc.
4700 N. Prospect Road
Peoria Heights, IL 61616

TAG Mobile
1130 Capital Pkwy
Carrolton, Texas 75006

Vitcom, LLC
1425 37th Street
Suite 210
Brooklyn, NY 11218


Vicki L. Watts

April 26, 2018
Columbia, South Carolina